

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

20-10823 BKOBJ03
BROCK & SCOTT, PLLC
302 Fellowship Rd, Suite 130
Mount Laurel, NJ 08054
(844) 856-6646
Attorneys for Santander Bank, N.A.

In Re:

SAMUEL K TOMPOE
CECELIA TOMPOE

Case No: 18-17695-CMG

Hearing Date: June 21, 2023

Judge: CHRISTINE M.
GRAVELLE

Chapter: 13

**OBJECTION TO CONFIRMATION
OF DEBTORS' MODIFIED CHAPTER 13 PLAN**

Santander Bank, N.A. ("Creditor"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtors' Modified Chapter 13 Plan* [DE 249], and states as follows:

1. The Debtors filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on April 18, 2018.
2. Creditor holds a security interest in the Debtors' real property located at 66 Penwood Drive, Ewing, NJ 08618 (the "Property"), by virtue of a Mortgage.
3. The Debtors filed a Modified Chapter 13 Plan (the "Plan") on May 23, 2023 [DE 249].
4. Creditor filed a Proof of Claim in this case on June 27, 2018 (Claim No. 13).
5. The Modified Plan includes anticipated delinquent post-petition payments in the amount of \$2,481.89.
6. This figure is inaccurate and Creditor just recently filed a Certification of Default

on June 14, 2023 [DE 254] that delineates the current amount of post-petition arrears.

7. Creditor has not yet consented to capitalizing any amount of arrears into the remaining Plan payments.

8. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Creditor objects to any plan which proposes estimated post-petition arrearage amount that has not been agreed to by Creditor.

WHEREFORE, Creditor respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Creditor as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Matthew Fissel

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Jay Jones, NJ Bar No. 972011
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CERTIFICATION OF SERVICE

1. I, Cassondra Emanuel:

- represent the _____ in the above-captioned matter.
- am the secretary/paralegal for BROCK & SCOTT, PLLC, who represents Santander Bank, N.A. in the above captioned matter.
- am the _____ in the above case and am representing myself.

2. On June 15, 2023, I sent a copy of the following pleadings and/or documents to the parties listed below:

**OBJECTION TO CONFIRMATION OF MODIFIED DEBTORS'
CHAPTER 13 PLAN**

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: June 15, 2023

/s/ Cassondra Emanuel
Cassondra Emanuel

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
SAMUEL K TOMPOE 66 PENNWOOD DRIVE TRENTON, NJ 08638	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
CECELIA TOMPOE 66 PENNWOOD DRIVE TRENTON, NJ 08638	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
CANDYCE ILENE SMITH-SKLAR 1901 NORTH OLDEN AVENUE EWING PROFESSIONAL PARK SUITE 22 EWING, NJ 08618	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Albert Russo	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered

CN 4853 Trenton, NJ 08650	<input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	US Trustee <input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.